

**STATE OF SOUTH CAROLINA**

**(Caption of Case)**

Application of Alpine Utilities,  
Inc. for adjustments of rates and  
charges for the provision of sewer  
service and the establishment of  
additional rates and charges.

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**COVER SHEET**

**DOCKET**

**NUMBER: 2008 - 190 - S**

(Please type or print)

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

- ☐ **Emergency Relief demanded in petition**      ☐ **Request for item to be placed on Commission's Agenda expeditiously**
- ☒ **Other: Routine**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit of Publication	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input checked="" type="checkbox"/> Certification of Service	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input checked="" type="checkbox"/> Other: Response to Reply
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2008-190-S**

IN RE:	)	<b>INTERVENOR'S RESPONSE TO</b>
Application of Alpine Utilities,	)	<b>APPLICANT'S REPLY TO</b>
Inc. for adjustments of rates and	)	<b>RESPONSE TO APPLICANT'S</b>
charges for the provision of sewer	)	<b>ANSWER IN OPPOSITION</b>
service and the establishment of	)	<b>AND OBJECTION</b>
additional rates and charges.	)	<b>TO PETITION TO INTERVENE</b>
	)	
	)	

**INTRODUCTION**

James C. Cook and Carolyn Cook, General Partners of Happy Rabbit, a South Carolina Limited Partnership, owners and operators of Windridge Townhomes, on behalf of Windridge Townhomes (hereinafter the, "Intervenor") filed a timely Petition to Intervene in this Docket. Thereafter, Applicant filed a document styled as, "Applicant's Answer in Opposition and Objection to Petition to Intervene". Intervenor's Response and Clarification followed. Thereafter, Applicant filed a pleading styled as, "Applicant's Reply to Response to Answer in Opposition and Objection to Petition to Intervene". Intervenor's Response to Applicant's Reply to Response to Answer in Opposition and Objection to Petition to Intervene follows:

**RESPONSE**

This response relates back to, and incorporates by reference, Intervenor's Petition to Intervene. Intervenor, through counsel, responds *seriatim* to the numbering of Applicant's latest pleading:

1. Under the definition of "customer", pertinent to the Public Service Commission of South Carolina, (hereinafter, "Commission"), Windridge Townhomes (hereinafter, "Windridge") is a customer of Alpine Utilities, (hereinafter, "Applicant"). Windridge is owned and operated by a partnership (Happy Rabbit, a South Carolina Limited Partnership), and under the definition of "customer", pertinent to this Commission, a Partnership may be a Customer of a Utility. James C. Cook and Carolyn Cook are General Partners of Happy Rabbit, a South Carolina Limited Partnership and can, "speak" on behalf of Happy Rabbit, a South Carolina Limited Partnership. In fact, the only "voice" for a Partnership in business matters is its partners. Applicant's argument is that no one may "speak" on behalf of Windridge in this proceeding.
2. Number 2 of Applicant's latest Response requires no further discussion.



3. Applicant's argument in number 3 of its latest Response misapprehends the facts of this case. It is obvious that Intervenor intervened on behalf of Happy Rabbit, a South Carolina Limited Partnership, owners and operators of Windridge Townhomes. A fair reading of Intervenor's Petition to Intervene discloses that Intervenor's intervention was on behalf of Windridge and not themselves individually. In fact, James C. Cook and Carolyn Cook are not residents of Windridge, are not customers of Applicant and Applicant's assertion of their individual intervention is without merit. Given that fact, an intervention by James C. Cook and Carolyn Cook, as individuals, would be nonsensical.

4. Applicant's argument in number 4 of its latest Response places an emphasis on form over substance and attempts to prevent a customer of a utility seeking an unreasonable rate increase from being heard in this proceeding. Applicant's attempts to silence a customer are contrary to the past practices of this Commission of allowing all matters before this Commission to be fully and fairly litigated. The Record discloses that Intervenor has already filed a timely and legally sufficient Petition to Intervene in this matter with this Commission.

### CONCLUSION

Based on the foregoing, Applicant's Objection should be dismissed as being without merit and/or rendered moot by Intervenor's retention of South Carolina legal counsel, and Intervenor should be granted full Intervenor status and for such other and further relief as this Commission may deem just and reasonable.

Respectfully Submitted,

/S/

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Attorney for Intervenor James C. Cook and  
Carolyn Cook, General Partners of Happy Rabbit,  
a South Carolina Limited Partnership, owners and  
operators of Windridge Town Homes.

Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
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)

**CERTIFICATE OF SERVICE**

I, Jennifer Stevenson, an employee of Austin & Rogers, P.A., certify that I emailed a copy of **Intervenor's Response to Applicant's Reply to Response to Applicant's Answer In Opposition and Objection to Petition to Intervene** via electronic mail as addressed below.

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/S/  
Jennifer Stevenson

Columbia, South Carolina  
July 18, 2008